

**In the United States District Court  
 For the Western District of Michigan**

**1:22-cv-125  
 Phillip J. Green  
 U.S. Magistrate Judge**

Michael Keith George #827005

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v.

QMHP (Qualified Mental Health Professional), Carol Kenison Psy. II. and Brian Kajerczyk Psy-13

(Enter above the full name of the defendant or defendants in this action.)

**COMPLAINT**

**I. Previous Lawsuits**

**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the required \$350.00 filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$350.00 filing fee regardless whether your complaint is dismissed.

A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? ☐ YES ☒ NO

B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. (Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.)

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? ☐ YES ☐ NO

(If your answer was no, state precisely how the action was resolved?):

3. Did you appeal the decision? ☐ YES ☐ NO

4. Is the appeal still pending? ☐ YES ☐ NO

(If not pending, what was the decision on appeal?):

44)

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? ☐ YES ☐ NO

(If the answer to question 5 was yes, explain:) \_\_\_\_\_

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II. **Place of Present Confinement:** Oaks Correctional Facility 1500 Caberfae Hwy, Manistee Michigan 49660

(If the place of present confinement is not the place you were confined when occurrence that is subject of instant lawsuit arose, list the place you were confined.): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

III. **Parties**

(In Item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Michael George

Address: Oaks Correctional Facility, 1500 Caberfae Highway, Manistee, MI 49660

(In Item B below, place the full name of the defendant in the first blank, his or her official position in the second blank and his or her place of employment in the third blank. Use Item C for the names, positions and place of employment of all additional defendants. Attach extra sheets as necessary. **State whether you are suing each defendant in an official or personal capacity.**)

B. Defendant: Carol Kenison is employed as Psychologist

at Oaks Correctional Facility, 1500 Caberfae Highway, Manistee, MI 49660

C. Defendant: Brian Kajerczyk is employed as Psychologist

at \_\_\_\_\_

Defendant: \_\_\_\_\_ is employed as \_\_\_\_\_

at \_\_\_\_\_

Defendant: \_\_\_\_\_ is employed as \_\_\_\_\_

at \_\_\_\_\_

Defendant: \_\_\_\_\_ is employed as \_\_\_\_\_

(5)



at

## IV. Statement of Claim

(State here, as briefly as possible, the **facts** of your case. Describe how each defendant is personally involved. Include also, the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.)

Michael George claims that Defendants violated his rights under the Eighth and Fourteenth Amendments when they diagnosed him with a psychotic disorder and medicated him with (~~haldol~~) against his will. Within days of being placed on (~~haldol~~), Plaintiff began to display side effects such as muscle fatigue, stiff muscles, migraine headaches, decreased energy, blurry vision, confusion, and the inability to concentrate. In Vitek v. Jones, 445 U.S. 480, 493, 100 S. Ct. 1254, 63 L. Ed. 2d 552 (1980), the United States Supreme Court held that a criminal conviction does not authorize the state to classify a prisoner as mentally ill and to subject him to involuntary psychiatric treatment without affording him additional due process protections. The Vitek Court noted that the state had a strong interest in segregating and treating mentally ill patients, but that a prisoner's interest in not being arbitrarily classified as mentally ill and subjected to involuntary treatment was also strong. The Court concluded that the state must apply "appropriate procedural safeguards against error." Id. at 495.

Haldol ~~De-activate~~  
Antipsychotic

(6)

V. **Relief**

(State briefly and precisely what you want the court to do for you.)

George seeks compensatory \$10,000 and punitive damages \$10,000 from each defendant, as well as injunctive relief.

Date

*In pro se*

**NOTICE TO PLAINTIFF(S)**

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

Property ECF Library

(8)

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MICHAEL GEORGE, 827005**

Plaintiff,

v

**CAROL KENISON, Psychologist, MDOC, ET. AL.**

**Brian Kajerczyk, Psychologist, MDOC (ECF);**

In their individual capacities, Jointly and Severally,  
Defendants.

CASE NO.

JUDGE:

***JURY DEMAND***

***Endorsed Herein***

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**COMPLAINT UNDER 42 U.S.C. § 1983**

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**I. INTRODUCTION**

1. PLAINTIFF, MICHAEL GEORGE (a prisoner with the Michigan Department of Corrections) brings this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 to remedy the deprivation of rights secured by the UNITED STATES CONSTITUTION, Eighth and Fourteenth Amendments, and Michigan State law. This claim Complaint sets forth Eighth Amendment deliberate indifference claims under 42 U.S.C. § 1983

**II. JURISDICTION AND VENUE**

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a) (3), 42 U.S.C. §§ 12132-12165, 42 U.S.C. §§ 1985, 1986, 29 U.S.C §§ 504, 794 PLAINTIFF also seeks a **declaratory judgment** pursuant to 28 U.S.C. § 2201, and **injunctive relief**, Pursuant to 28 U.S.C. §§ 1391(b)(2),



3. This venue is proper in the United States District Court for the Western District of Michigan because the events giving rise to this claim occurred at the Ionia Correctional Facility, 1576 W. Bluewater Hwy. Ionia, MI. 48846, which is located within the Western District of Michigan.

### III. PARTIES

4. PLAINTIFF, **Michael George**, a person of full age of majority, was at all relevant times confined at OAKS Correctional Facility, 1500 Caberfae Hwy. Manistee Michigan 49660, with the Michigan Department of Corrections (MDOC). **Presently**, he is housed at Ionia Correctional Fac., 1576 W. Bluewater Hwy. Ionia, Mi. 48846.

5. Defendant, **CAROL KENISON, Psychologist, MDOC**, a person of full age of majority, upon the information and belief, is a citizen of the United States, State of Michigan, who was at all relevant times employed by MDOC as **Psychologist**, assigned to OAKS Correctional Facility, 1500 Caberfae Hwy. Manistee Michigan 49660, Is sued in his and/or her individual and official capacities.

6. Defendant **Brian Kajerczyk, Psychologist, MDOC (ECF)**; a person of full age of majority, upon the information and belief, is a citizen of the United States, State of Michigan, who was at all relevant times employed by the Michigan Department of Corrections as a **Psychologist** assigned to OAKS Correctional Facility, 1500 Caberfae Hwy. Manistee Michigan 49660 sued in his and/or her individual and official capacities.

7. All defendants, all of them, were, at all times relevant hereto, "persons," employees, and/or agents, and/or representatives of the State of Michigan, and the MDOC who performed duties and responsibilities, acting pursuant to and "under the color of state law".

### IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. PLAINTIFF has exhausted all administrative and state remedies with respect to all claims and all defendants. (See Exhibits A); *MDOC Grievance Identifiers* ECF 2021- 05 -615-12F

V.

**VIOLATION OF THE UNITED STATES CONSTITUTION  
VIOLATIONS OF THE  
EIGHTH AND FOURTEENTH AMENDMENTS  
(42 U.S.C. § 1983)**

9. Paragraphs 1 through 9 are incorporated by reference as if fully set forth herein.

10. At all times relevant hereto, pursuant to the Eighth Amendment to the United States Constitution, as made applicable to the state by the Fourteenth Amendment, and by Federal law, Plaintiff enjoyed the clearly established right to free from cruel and unusual punishment, i.e., the deliberate indifference to his serious medical needs.

11. At all times relevant hereto, defendants, all of them, were acting within the scope of their authority and duties, under color of law. And therefore owed PLAINTIFF the duty to act with reasonable care and in his best interest so as not to endanger or cause him any harm.

12. Plaintiff claims that defendants violated his rights under the 4<sup>th</sup> and 8<sup>th</sup> amendment when they diagnosed him with a psychotic disorder and medicated him with a strong anti-psychotic medication named Haldol against his will. Within days of being placed on Haldol, Plaintiff began displaying side-effects such as muscle fatigue, stiff muscles, migraine headaches, decreased energy, blurry vision, confusion, and the inability to concentrate. In *Vitek v. Jones*, 455 U.S. 480, 493, 100 S.Ct. 1254, 63 L. Ed. 2d 552 (1980), The Supreme Court held that a criminal conviction does not authorize the state to classify a prisoner as mentally ill and to subject him involuntary psychiatric treatment without affording him additional due process protections. The Vitek court noted that the state had a strong interest in segregating and treating mentally ill patients, but that a prisoner's interest in not being



arbitrarily classified as mentally ill and subjected to involuntary treatment was also strong. The court concluded that the state must apply “appropriate procedural safeguards against error.” Id. At 495. Defendants violated his 8<sup>th</sup>, and 14<sup>th</sup> Amendment rights.

13. At all times relevant hereto, by their foregoing conduct, defendants, all of them, acted with malice, recklessness, and/or a callous, deliberate indifference.

14. Defendants knew, and/or should have known, that the breach of their clear duties, as alleged above, would and/or reasonable could result in serious risk of physical harm and unnecessary pain and suffering to PLAINTIFF.

15. The breach of these defendants’ duties, as alleged above, was the direct and proximate cause of PLAINTIFF’S suffering, deformations, and pain.

16. As a direct and proximate result of defendants’ grossly and/or actions, PLAINTIFF suffer non-*minimis* physical injury, pain and suffering and other damages. Therefore PLAINTIFF seeks economic and non-economic compensatory, punitive, and presumed damages.

## **VI. RELIEF REQUESTED**

**WHEREFORE**, for the allegations alleged herein, PLAINTIFF, Michael George, request judgment from this Court for compensatory damages against the defendants together with interest, punitive, presumed, and exemplary damages, and any fees and costs that may be applicable in this action in the amount which is fair, just, and reasonable and in the excess of \$ 20,000, as well as injunctive relief.

## **VII. PREVIOUS ACTIONS**

NONE

**VIII. DEMAND FOR JURY**

17. Pursuant to rule 38(B) of the Federal Rules of Civil Procedures, PLAINTIFF hereby demands a trial by jury in this action of any and all issues so triable.

**IX. VERIFICATION**

I, the undersigned, hereby declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information and belief.

Respectfully Submitted,

Michael George

Michael George 827005

*Pro se* Prisoner-Plaintiff  
Ionia Correctional Facility  
1576 W. Bluewater Hwy.  
Ionia, MI. 48846

Date: 2-7-2022



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US district COURT  
113 Federal Building  
315 W. Allegan  
LANSING MI 48933



Michael K. GEORGE

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HWY Ionia MI

48846

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